

SENATE NO. 1631

AN ACT RELATVIE TO NONPUBLIC SCHOOL SERVICE

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 32 of the General Laws, as appearing in the 2004 Official Edition, is
2 hereby amended by inserting, after the definition of “Membership service,” the following definition:-
3 “Nonpublic school,” an institution, not operated by the federal, state or local governments or agencies
4 thereof, the primary function of which is (a) to educate students in a course of study designed to lead
5 to the award of a high school diploma or its equivalent; or (b) to provide a college-level course of
6 study designed to lead to the award of a college or university degree.

7 SECTION 2. Section 3 of said chapter 32, as so appearing, is hereby amended by inserting after
8 subdivision (4A) the following subdivision:-

9 (4B) Credit for Teachers for Nonpublic School Service after January 1, 1973. Any member in service,
10 or any member inactive on authorized leave of absence of the teachers’ retirement system, the state
11 retirement system or as a teacher in the State–Boston retirement system, who holds a certificate issued
12 by the department of education or is exempted from the requirement of certification, or any member
13 who is employed in a public institution of higher education as a faculty member or professional
14 employee not under the jurisdiction of the human resources division within the executive office for

15 administration and finance classification system, and who was previously employed as a teacher in a
16 nonpublic school may receive creditable service as if that service had been rendered in a public school
17 of the commonwealth or public institution of higher education and the member had been a member of
18 the teachers' retirement system, the state retirement system, or the State-Boston retirement system
19 during the period in which the service was rendered. No credit shall be allowed until the member has
20 paid into the annuity savings fund of the system before any retirement allowance becomes effective for
21 the member, in 1 sum, or in installments, upon the terms and conditions that the board prescribes,
22 makeup payments of an amount equal to 10 per cent of the regular annual compensation of the
23 member as of the member's most recent date of entry into membership in the teachers' retirement
24 system, the state retirement system, or as a teacher in the State-Boston retirement system, for each year
25 of service purchased plus buyback interest on that amount. No credit shall be allowed and no payment
26 shall be accepted under this paragraph until the member has completed 10 or more years of
27 membership service, and no credit shall be allowed and no payment shall be accepted for any service
28 on account of which the member shall be entitled to receive a retirement allowance or other similar
29 payment from any other nonpublic school system. No credit shall be allowed if the member has
30 received credit for 3 or more years of nonpublic school service under subdivision (4A) of this section
31 or paragraph (p) of subdivision (1) of section 4. The creditable service allowable under this
32 subdivision for any member shall not exceed 3 years. Members in service of a retirement system who
33 make application for this creditable service shall be notified by the retirement board of their eligibility
34 for this creditable service, and, if they are eligible, shall also be notified by the retirement board that
35 they have the following options: (1) to purchase the service in a lump sum within 180 days after the
36 notice, or (2) to enter into an installment agreement within 180 days after the notice to pay for the
37 creditable service.

